

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 12, 2020

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Mark Allen Person

Case Number: 0980 2:03CR00217-WFN-1

Address of Offender:

Spokane, Washington 99217

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: November 30, 2004

Original Offense: Conspiracy to Distribute More than 500 Grams of a Mixture or Substance
Containing a Detectable Amount of Methamphetamine, 21 U.S.C. § 846

Original Sentence: Prison - 151 months; Type of Supervision: Supervised Release
TSR - 96 months

Revocation Sentence: Prison - 8 months;
(November 16, 2018) TSR - 60 months

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: February 8, 2019

Defense Attorney: Roger Peven

Date Supervision Expires: February 7, 2024

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/29/2019.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

2

Standard Condition # 2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mark Person failed to report to the U.S. Probation Office as directed on March 11, 2020.

On March 10, 2020, the undersigned officer contacted Mr. Person via telephone. He was directed to report to the U.S. Probation Office on March 11, 2020, at 8 a.m. However, he failed to report as directed. Multiple attempts to contact Mr. Person via telephone on March 11, 2020, were made by the undersigned officer. At 2:30 p.m., the undersigned officer left a phone message for Mr. Person directing him to report to the probation office by 4 p.m. However, at the time of this report, Mr. Person has failed to report as directed. Additionally, he has not returned any phone calls to the U.S. Probation Office.

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On April 3, 2019, Mark Person signed his judgment for case number 2:03CR00217-RMP-1 during his initial intake, indicating he understood all conditions ordered by the Court. Specifically, Mr. Person was made aware by his U.S. probation officer after initially reporting to the probation office, you will receive instructions from the Court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

- 3 **Special Condition # 4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mark Person has failed to attend outpatient substance abuse treatment since February 19, 2020.

On February 19, 2020, Mark Person completed inpatient substance abuse treatment at Sun Ray Court. The treatment provider recommended that he resume outpatient treatment. However, to date, Mr. Person has failed to re-engage in substance abuse treatment.

On April 3, 2019, Mark Person signed his judgment for case number 2:03CR00217-RMP-1 during his initial intake, indicating he understood all conditions ordered by the Court. Specifically, Mr. Person was made aware by his U.S. probation officer the he must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program,

- 4 **Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Since February 19, 2020, Mark Person has failed to report for urinalysis testing as directed. Specifically, he failed to report for testing at Pioneer Counseling Center on February 20, 25, 29, and March 2, 4, and 9, 2020.

On January 2, 2020, Mark Person was assigned the UA testing color “red.” He received instructions to call the UA testing phone number daily, and to report when the color “red” was called. This requirement was suspended when he commenced placement in inpatient substance abuse treatment on January 29, 2020, and reinstated on February 19, 2020, when he completed inpatient treatment. However, following his completion of inpatient treatment, Mr. Person has chosen not to resume substance abuse testing. In fact, he has made no effort to report for drug testing as directed.

On April 3, 2019, Mark Person signed his judgment for case number 2:03CR00217-RMP-1 during his initial intake, indicating he understood all conditions ordered by the Court. Specifically, Mr. Person was made aware by his U.S. probation officer that he must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/12/2020

s/Richard Law

Richard Law
Supervisory U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

3/12/2020

Date